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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,742	01/12/2001	Ralf Hofmann	P-4356	9744
7590	02/07/2005		EXAMINER	
Forrest Gunnison GUNNISON, McKAY & HODGSON, L.L.P. GARDEN WEST OFFICE PLAZA, SUITE 220 1900 GARDEN ROAD MONTEREY, CA 93940			QUELER, ADAM M	
			ART UNIT	PAPER NUMBER
			2179	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/759,742	HOFMANN ET AL.
	Examiner	Art Unit
	Adam M Queler	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status:

1) Responsive to communication(s) filed on 28 December 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3,5,7-10,13 and 15-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3,5,7-10,13 and 15-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All * b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/28/04, 10/01/04.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 11/01/2004, and Information Disclosure Statement filed 12/28/2004.
2. Claims 1, 3, 5, 7-10, 13, 15-24 are pending in the case. Claims 1, 3, 8, 10, 13, 18, 20, 21, and 24 are independent claims.
3. The rejections of claims 20-23 under 35 U.S.C. §101 are withdrawn in view of Applicant's amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 3, 13 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The claims generally recite, two data formats including a second format and a third format: These are overlapping ranges and as such, render the claim indefinite. For examining purposes only, second and third will be interpreted as first and second.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,3,5,8-10,13,15,16,18-21 and 24 remain rejected under 35 U.S.C. 102(b) as being anticipated by Bayeh et al. (US006012098A patented 1/4/2000).

Regarding independent claim(s) 1, 10, and 13, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll. 23-37). Bayeh teaches the filter is a chain of partial filters, each of which as a generic format independent interface that passes data from one to another (col. 9, ll. 30-46). Bayeh teaches that a subset of the data is processed (col. 12, ll. 7-12).

Regarding independent claim(s) 24, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches supporting different formats and selecting the second format (col. 8, ll. 55-57). Bayeh teaches generating a filter by combining a first filter with a second filter (col. 9, ll. 30-45). Bayeh teaches these formats must be compared first (col. 9, line 64 – col. 10, line 15). Bayeh teaches the filter converts source data from a first format to a second data format (col. 4, ll. 37-42).

Regarding independent claim(s) 3, 13 and 21, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll. 23-37). Bayeh teaches the filter is a chain of partial filters, each of which as a generic format independent interface that passes data from one to another (col. 9, ll. 30-46).

Additionally, Bayeh teaches supporting different formats and selecting the second format (col. 8, ll. 55-57). Bayeh teaches the filter converts source data from a first format to a second data format (col. 4, ll. 37-42).

Regarding dependent claim(s) 5 and 15, Bayeh teaches selecting a particular servlet based on whether or not it is busy (col. 8, ll. 43-48). This amounts to a selection scheme that takes into account conversion time, since pickling a non-busy servlet would decrease conversion time.

Regarding dependent claim(s) 16, Bayeh teaches the filter converts source data from a first format to a second data format (col. 4, ll. 37-42).

Regarding independent claim(s) 8 and 18, Bayeh teaches receiving a request for data (col. 4, ll. 23-29). Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll. 23-37). This chain of filters is the general partial filter adapter as set forth in the claim language. Bayeh teaches the filter is a chain of partial filters, each of which as a generic format independent interface that passes data from one to another (col. 9, ll. 30-46). Bayeh teaches input to the filter is a XSL style-sheet that determines its functionality (col. 9, ll. 4-6). As the filter is a servlet object, its input is passed through a parameter.

Regarding dependent claim(s) 9 and 19, Bayeh teaches input to the filter is a XSL style-sheet that determines its functionality (col. 9, ll. 4-6). As the filter is a servlet object, its input is passed through a parameter. As the filter processes an XSL stylesheet, equivalent to a transformation script, it is deemed to be an XSL processor.

Regarding independent claim(s) 20, Bayeh teaches a partial filter library as part of the server (col. 7, ll. 36-38). Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll. 23-37). The remainder of the components of the structure have no function claimed, and therefore are considered non-functional descriptive data.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 7, 17, 22, and 23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh as applied to claims 1, 13, and 21 above, and further in view of Garshol, "Free XML Software", (12/15/199).**

Regarding dependent claim(s) 7, 17, and 22, Bayeh does not teach a Simple API for XML. Garshol teaches a Simple API for XML (p. 22), which includes a plurality of filters that can accept the input and output of themselves (p. 24, "Parser Filters"). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace Bayeh's servlets with Garshol's filters, as SAX was a de facto standard at the time of the invention (p. 22, "SAX").

Regarding dependent claim(s) 23, SAX's interface is inherently an XML document handler interface, as proven at least by Applicant's specification (p. 39).

Response to Arguments

10. Applicant's arguments filed 11/01/2004 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on the I.D.S.:

The reference has been considered with the Office's apologies.

Regarding Applicant's remarks on Claim 1, 10:

Applicant alleges Bayeh does not teach processing a subset, however, Bayeh does teach that a subset of the data is processed (col. 12, ll. 7-12).

Regarding Applicant's remarks on Claims 3, 13, 15-17, and 21:

Applicant alleges that Bayeh does not teach the device supports multiple formats and selecting one of them. However, Bayeh teaches supporting different formats and selecting the second format (col. 8, ll. 55-57). Bayeh teaches the filter converts source data from a first format to a second data format (col. 4, ll. 37-42).

Regarding Applicant's remarks on Claim 5:

Applicant alleges that the cited portion of Bayeh does teach claims 5. In the cited portion, Bayeh teaches selecting a particular servlet based on whether or not it is busy (col. 8, ll. 43-48). This amounts to a selection scheme that takes into account conversion time, since pickling a non-busy servlet would decrease conversion time.

Regarding Applicant's remarks on Claims 8, 9, 18, and 19:

Bayeh alleges Bayeh teaches two kinds of servlet and therefore does not teach "a general partial filter adapter." Bayeh teaches retrieving a rule set for a plurality of filters, or servlets, (col. 8, ll. 36-64), wherein upon being chained the filters convert source data to requested data (col. 4, ll.

23-37). This chain of filters is the general partial filter adapter as set forth in the claim language. As the rendering servlet is part of this chain, and though the XSL sheet goes directly to the rendering servlet, the XSL sheet is an input to the general partial filter as a whole.

Regarding Applicant's remarks on Claim 20:

Applicant alleges the filter server is not taught. However, the remainder of the components of the structure have no function claimed, and therefore are considered non-functional descriptive data.

Regarding Applicant's remarks on Claim 24:

The rejection of claim 24 now more clearly points out why Bayeh anticipates the claim.

Regarding Applicant's remarks on Claim 7, 17, 22, and 23:

The Applicant alleges the claims are allowable based on the alleged deficiencies of their respective parent claims, which have been addressed above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ

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